TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

This title was enacted by Pub. L. 90–620, § 1, Oct. 22, 1968, 82 Stat. 1238

Chap. Sec.

25. National Historical Publications and Records Commission..... 2501

AMENDMENTS

1974—Pub. L. 93–536, § 2, Dec. 22, 1974, 88 Stat. 1735, substituted "National Historical Publications and Records Commission" for "National Historical Publications Commission" in heading of chapter 25.

Chapter 3.—GOVERNMENT PRINTING OFFICE

Sec.

301. Public Printer; appointment.

303. Public Printer and Deputy Public Printer: pay.

308. Disbursing officer; deputy disbursing officer; certifying officers and employees.

AMENDMENTS

1975—Pub. L. 94–82, title II, § 204(c)(2), Aug. 9, 1975, 89 Stat. 421, substituted "pay" for "compensation" in item 303.

1974—Pub. L. 93–459, § 1(b), Oct. 20, 1974, 88 Stat. 1385, substituted "Disbursing officer; deputy disbursing officer; certifying officers and employees." for "Disbursing officer: continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents." in item 308.

1972—Pub. L. 92–310, title II, § 210(a)(3), June 6, 1972, 86 Stat. 204, eliminated "; bond" from item 301.

§ 301. Public Printer: appointment.

The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. His title shall be Public Printer. (As amended Pub. L. 92–310, title II, § 210(a) (1), (2), June 6, 1972, 86 Stat. 204.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated "; bond" from the section catchline, and provisions from the text of the section which required the Public Printer to give a bond in the sum of $25,000.

§ 303. Public Printer and Deputy Public Printer: pay.

The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule. (As amended Pub. L. 94–82, title II, § 204(c)(1), Aug. 9, 1975, 89 Stat. 421.)

AMENDMENTS

1975—Pub. L. 94–82 substituted "pay" for "compensation" in section catchline, and substituted provisions setting the rate of pay for the Public Printer at a rate equal to the rate for level IV of the Executive Schedule and the rate of pay for Deputy Public Printer at a rate equal to the rate for level V of such Schedule for provisions setting the compensation of the Public Printer and the Deputy Public Printer at the rate of $28,750 and $27,500 per annum, respectively.

§ 305. Public Printer: employees; pay.

REPEALS

General repealer of provisions inconsistent with Pub. L. 92–392 as not repealing or affecting this section, see section 13 of Pub. L. 92–392, Aug. 19, 1972, 86 Stat. 575, set out as a note under section 5341 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 5102, 5349.

§ 308. Disbursing officer; deputy disbursing officer; certifying officers and employees.

(a) The Public Printer shall appoint from time to time a disbursing officer of the Government Printing Office (including the Office of the Superintendent of Documents) who shall be under the direction of the Public Printer. The disbursing officer shall (1) disburse moneys of the Government Printing Office only upon, and in strict accordance with, vouchers certified by the Public Printer or by an officer or employee of the Government Printing Office authorized in writing by the Public Printer to certify such vouchers, (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable accordingly. However, the disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which, under subsection (c) of this section, is imposed upon a certifying officer or employee of the Government Printing Office.

(b)(1) Upon the death, resignation, or separation from office of the disbursing officer, his accounts may be continued, and payments and collection may be made in his name, by any individual designated as a deputy disbursing officer by the Public Printer, for a period of time not to extend beyond the last day of the second month following the month in which the death, resignation, or separation occurred. Accounts and payments shall be allowed, audited, and settled, and checks signed in the name of the former disbursing officer by a deputy disbursing officer shall be honored in the same manner as if the former disbursing officer had continued in office.

(2) A former disbursing officer of the Government Printing Office or his estate may not be subject to any legal liability or penalty for the official accounts or defaults of the deputy disbursing officer acting in the name or in the place of the former disbursing officer. Each deputy disbursing officer is responsible for accounts entrusted to him under paragraph (1) of this subsection, and the deputy disbursing officer

is liable for any default occurring during his service under such paragraph.

(c)(1) The Public Printer may designate in writing officers and employees of the Government Printing Office to certify vouchers for payment from appropriations and funds. Such officers and employees shall (A) be responsible for the existence and correctness of the facts recited in the certificate or other voucher or its supporting papers and for the legality of the proposed payment under the appropriation or funds involved, (B) be responsible and accountable for the correctness of the computations of certified vouchers, and (C) be accountable for, and required to make restitution to, the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved. However, the Comptroller General of the United States, may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on the official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (ii) when the obligation was incurred in good faith, the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment. The Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of title 49, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

(2) The liability of such certifying officers or employees shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. Such certifying officers and employees shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification. (As amended Pub. L. 92–310, title II, § 210(b), June 6, 1972, 86 Stat. 204; Pub. L. 93–459, § 1(a), Oct. 20, 1974, 88 Stat. 1384.)

AMENDMENTS

1974—Pub. L. 93–459 in the section catchline substituted "Disbursing officer; deputy disbursing officer; certifying officers and employees" for "Disbursing officer: continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents".

Subsec. (a). Pub. L. 93–459 added subsec. (a). Former subsec. (a) redesignated (b)(1).

Subsec. (b)(1). Pub. L. 93–459 redesignated provisions of former subsec. (a) as subsec. (b)(1), and as so redesignated, substituted "by any individual designated as a deputy disbursing officer by the Public Printer" for "by the deputy disbursing officer or officers designated by the Public Printer".

Subsec. (b)(2). Pub. L. 93–459 redesignated provisions of former subsec. (b) as subsec. (b)(2), and as so designated, substituted "paragraph (1) of this subsection" for "subsection (a) of this section", and "under such paragraph" for "under subsection (a) of this section".

Subsec. (c). Pub. L. 93–459 added subsec. (c). Former subsec. (c), relating to disbursements on account of salaries or other expenses of the office of the Superintendent of Documents, was struck out.

1972—Subsec. (b). Pub. L. 92–310 eliminated provisions which related to sureties on official bonds.

§ 309. Revolving fund for operation and maintenance of Government Printing Office: capitalization; reimbursements and credits; accounting and budgeting; reports.

* * * * *

(c) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of the accounts. The Public Printer shall prepare and submit an annual business-type budget program for the operations under this fund. The Comptroller General shall audit the activities of the Government Printing Office at least once in every three years and shall furnish reports of such audits to the Congress and the Public Printer. For these purposes the Comptroller General shall have such access to the records, files, personnel, and facilities of the Government Printing Office as he considers necessary.

* * * * *

(As amended Pub. L. 93–604, title VII, § 707, Jan. 2, 1975, 88 Stat. 1965.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 93–604 substituted provisions that the Comptroller General shall audit the activities of the Government Printing Office at least once in every three years and furnish reports of the audits to the Congress and the Public Printer for provisions that the General Accounting Office shall audit the activities of the Government Printing Office and furnish an audit report annually to the Congress and the Public Printer.

Chapter 5.—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 sections 954, 956; title 21 section 114c; title 22 sections 272a, 280b, 280l, 280k, 287e, 287r, 290b, 2024, 2126; title 29 section 1304.

Chapter 7.—CONGRESSIONAL PRINTING AND BINDING

§ 723. Memorial addresses: preparation; distribution.

RESTRICTION ON NUMBER OF BOUND EULOGIES

Pub. L. 94–59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of section 723 of title 44 of the United States Code [this section] for the printing, publication, and distribution of more than fifty bound eulogies to be delivered to the family of the deceased, and in the case of a deceased Senator or deceased Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico), there shall be furnished to his successor in office two hundred and fifty copies."

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress.

* * * * *

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in upper right-hand corner the letters "U.S.S." or "M. C." But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

* * * * *

(As amended Pub. L. 93–191, § 8(a), Dec. 18, 1973, 87 Stat. 745; Pub. L. 93–255, § 2(b), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Pub. L. 93–255 struck out "Postage paid by Congress." following "Public Document."

1973—Pub. L. 93–191 substituted in second par. "Public document. Postage paid by Congress." for "Public document. Free."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of Title 39, Postal Service.

SECTION REFFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 31b–4; title 39 sections 3201, 3216.

§ 735. Binding for Members of Congress.

WRITTEN REQUESTS FOR BOUND COPIES OF DOCUMENTS

Pub. L. 94–59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, notwithstanding any other provisions of law appropriations for the binding of copies of public documents by Committees for distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) shall not be available for a Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive bound copies of any such documents."

Chapter 9.—CONGRESSIONAL RECORD

Sec.
906. Congressional Record: gratuitous copies; delivery.
910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate.

AMENDMENTS

1974—Pub. L. 93–314, § 1(c), June 8, 1974, 88 Stat. 239, eliminated "; subscription" from item 906, and included subscriptions, individual numbers and postage rate in item 910.

§ 906. Congressional Record: gratuitous copies; delivery.

The Public Printer shall furnish the Congressional Record only as follows:

* * * * *

In addition to the foregoing the Congressional Record shall also be furnished as follows:

In unstitched form, and held in reserve by the Public Printer, as many copies of the daily Record as may be required to supply a semimonthly edition, bound in paper cover together with each semimonthly index when it is issued, and then be delivered promptly as follows:

* * * * *

to the library of each United States Court of Appeals, each United States District Court, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the United States Customs Court, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to the Public Printer, one copy of the daily, one semimonthly copy, and one bound copy;

* * * * *

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends. (As amended Pub. L. 92–373, Aug. 10, 1972, 86 Stat. 528; Pub. L. 93–314, § 1(b), June 8, 1974, 88 Stat. 239.)

AMENDMENTS

1974—Pub. L. 93–314 eliminated subscriptions from the section catchline, and deleted last paragraph which authorized the Public Printer to furnish the daily Record to subscribers at a price determined by him to be based upon the cost of printing and distribution, with the price to be payable in advance. See section 910 of this title.

1972—Pub. L. 92–373 provided for the furnishing of one copy of the daily, one semimonthly copy of the Congressional Record to the United States Court of Appeals library and certain other libraries.

LIMITATION ON COPIES OF BOUND PERMANENT EDITION FOR VICE PRESIDENT AND MEMBERS OF SENATE AND HOUSE OF REPRESENTATIVES

Pub. L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 546, provided in part that: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of the Act of October 22, 1968 (44 U.S.C. 906) [this section] for the printing, publication, and distribution of more than one copy of the bound permanent editions of the Congressional Record for the Vice President and each Member of the Senate and House of Representatives."

§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes.

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it, if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and

State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress. (As amended Pub. L. 93–191, § 8(b), Dec. 18, 1973, 87 Stat. 745; Pub. L. 93–255, § 2(c), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Pub. L. 93–255 struck out "Postage paid by Congress following "Part of Congressional Record."

1973—Pub. L. 93–191 inserted at end of second sentence ", if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39" and substituted in third sentence "Postage paid by Congress" for "Free", respectively.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of Title 39, Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 sections 3201, 3216.

§ 910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate.

(a) Under the direction of the Joint Committee, the Public Printer may sell—

(1) subscriptions to the daily Record; and

(2) current, individual numbers, and bound sets of the Congressional Record.

(b) The price of a subscription to the daily Record and of current, individual numbers, and bound sets shall be determined by the Public Printer based upon the cost of printing and distribution. Any such price shall be paid in advance. The money from any such sale shall be paid into the Treasury and accounted for in the Public Printer's annual report to Congress.

(c) The Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed. (As amended Pub. L. 93–314, § 1(a), June 8, 1974, 88 Stat. 239.)

AMENDMENTS

1974—Pub. L. 93–314 included subscriptions and postage rate in section catchline, and inserted provisions in text of section authorizing sale of subscriptions, requiring price for subscriptions to be paid in advance, and directing that the Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed.

Chapter 11.—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

§ 1108. Bureau of Budget approval required for printing of periodicals; number printed; sale to public.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

DELEGATION OF FUNCTIONS

Authority of the President under this section to approve the use, from the appropriations available for printing and binding, of such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications delegated to the Director of the Office of Management and Budget, see section 9(7) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 1111. Annual reports: time for furnishing manuscript and proofs to Public Printer.

CHANGE OF NAME

"Commissioner of Patents" redesignated "Commissioner of Patents and Trademarks", by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 1114. Annual reports: number of copies for Congress.

CHANGE OF NAME

"Commissioner of Patents" redesignated "Commissioner of Patents and Trademarks", by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

ABOLITION OF OFFICES

Positions of Chief Signal Officer and Chief of Ordinance of Army Department were abolished, see note under section 3036 of Title 10, Armed Forces.

§ 1123. Binding materials; bookbinding for libraries.

CHANGE OF NAME

"Patent Office" redesignated "Patent and Trademark Office", by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

Chapter 13.—PARTICULAR REPORTS AND DOCUMENTS

§ 1307. Environmental Science Service Administration: charts; sale and distribution.

TRANSFER OF FUNCTIONS

The Environmental Science Services Administration in the Department of Commerce, including the offices of the Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau [now the National Weather Service], the Coast and Geodetic Survey [now the National Ocean Survey], the Environmental Data Service, the National Environmental Satellite Center, and the ESSA Research Laboratories.

§ 1310. Commerce Department: navigation and weather information.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 1317. Foreign Relations.

WRITTEN REQUESTS FOR DOCUMENTS

Pub. L. 94–59, title VIII, § 801, July 25, 1975, 89 Stat. 296, provided in part that: "Hereafter, notwithstanding any other provisions of law, appropriations for the auto-

matic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the Foreign Relations of the United States, the United States Treaties and Other International Agreements, the District of Columbia Code and Supplements, and more than one bound set of the United States Code and Supplements shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such documents."

§ 1337. Patent Office: publications authorized to be printed.

CHANGE OF NAME

"Patent Office" and "Commissioner of Patents" redesignated "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively, by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 1338. Patent Office: limitations and conditions concerning printing and lithographing.

CHANGE OF NAME

"Patent Office" and "Commissioner of Patents" redesignated "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively, by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

Chapter 19.—DEPOSITORY LIBRARY PROGRAM

Sec.

1915. Highest State appellate court libraries as depository libraries.

AMENDMENTS

1972—Pub. L. 92–368, § 1(b), Aug. 10, 1972, 86 Stat. 507, added item 1915.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3317 of this title.

§ 1911. Free use of Government publications in depositories; disposal of unwanted publications.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1915 of this title.

§ 1915. Highest State appellate court libraries as depository libraries.

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated. (Added Pub. L. 92–368, § 1(a), Aug. 10, 1972, 86 Stat. 507.)

Chapter 21.—ARCHIVAL ADMINISTRATION

§§ 2101 to 2104.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 3317 of this title.

§ 2105. Preservation, arrangement, duplication, exhibition of records.

CHANGE OF NAME

The name of the National Historical Publications Commission was changed to the National Historical Publications and Records Commission by Pub. L. 93–536, Dec. 22, 1974, 88 Stat. 1734. See section 2501 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3317 of this title.

§ 2106. Servicing records.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3317 of this title.

§ 2107. Material accepted for deposit.

PRESIDENTIAL RECORDINGS AND MATERIALS PRESERVATION ACT

Pub. L. 93–526, title I, §§ 101–106, Dec. 19, 1974, 88 Stat. 1695–1698, provided:

"That this Act [enacting this note, sections 3315 to 3324 of this title, and provisions set out as a note under section 3315 of this title] may be cited as the 'Presidential Recordings and Materials Preservation Act'.

"TITLE I—PRESERVATION OF PRESIDENTIAL RECORDINGS AND MATERIALS

"DELIVERY AND RETENTION OF CERTAIN PRESIDENTIAL MATERIALS

"Sec. 101. (a) Notwithstanding any other law or any agreement or understanding made pursuant to section 2107 of title 44, United States Code any Federal employee in possession shall deliver, and the Administrator of General Services (hereinafter in this title referred to as the 'Administrator') shall receive, obtain, or retain, complete possession and control of all original tape recordings of conversations which were recorded or caused to be recorded by any officer or employee of the Federal Government and which—

"(1) involve former President Richard M. Nixon or other individuals who, at the time of the conversation, were employed by the Federal Government;

"(2) were recorded in the White House or in the office of the President in the Executive Office Buildings located in Washington, District of Columbia; Camp David, Maryland; Key Biscayne, Florida; or San Clemente, California; and

"(3) were recorded during the period beginning January 20, 1969, and ending August 9, 1974.

"(b)(1) Notwithstanding any other law or any agreement or understanding made pursuant to section 2107 of title 44, United States Code, the Administrator shall receive, retain, or make reasonable efforts to obtain, complete possession and control of all papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

"(2) For purposes of this subsection, the term 'historical materials' has the meaning given it by section 2101 of title 44, United States Code.

"AVAILABILITY OF CERTAIN PRESIDENTIAL MATERIALS

"Sec. 102. (a) None of the tape recordings or other materials referred to in section 101 shall be destroyed, except as hereafter may be provided by law.

"(b) Notwithstanding any other provision of this title, any other law, or any agreement or understanding made pursuant to section 2107 of title 44, United States Code, the tape recordings and other materials referred to in section 101 shall, immediately upon the date of enactment of this title, be made available, subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, for use in any judicial proceeding or otherwise subject to court subpena or other legal process. Any request by the Office of Watergate Special Prosecution Force, whether by court subpena or other lawful process, for access to such recordings or materials shall at all times have priority over any other request for such recordings or materials.

"(c) Richard M. Nixon, or any person whom he may designate in writing, shall at all times have access to the tape recordings and other materials referred to in section 101 for any purpose which is consistent with the provisions of this title, subsequent and subject to the regulations which the Administrator shall issue pursuant to section 103.

"(d) Any agency or department in the executive branch of the Federal Government shall at all times have access to the tape recordings and other materials referred to in section 101 for lawful Government use, subject to the regulations which the Administrator shall issue pursuant to section 103.

"REGULATIONS TO PROTECT CERTAIN TAPE RECORDINGS AND OTHER MATERIALS

"Sec. 103. The Administrator shall issue at the earliest possible date such regulations as may be necessary to

assure the protection of the tape recordings and other materials referred to in section 101 from loss or destruction, and to prevent access to such recordings and materials by unauthorized persons. Custody of such recordings and materials shall be maintained in Washington, District of Columbia, or its metropolitan area, except as may otherwise be necessary to carry out the provisions of this title.

"REGULATIONS RELATING TO PUBLIC ACCESS

"Sec. 104. (a) The Administrator shall, within ninety days after the date of enactment of this title [Dec. 19, 1974], submit to each House of the Congress a report proposing and explaining regulations that would provide public access to the tape recordings and other materials referred to in section 101. Such regulations shall take into account the following factors:

"(1) the need to provide the public with the full truth, at the earliest reasonable date, of the abuses of governmental power popularly identified under the generic term 'Watergate';

"(2) the need to make such recordings and materials available for use in judicial proceedings;

"(3) the need to prevent general access, except in accordance with appropriate procedures established for use in judicial proceedings to information relating to the Nation's security;

"(4) the need to protect every individual's right to a fair and impartial trial;

"(5) the need to protect any party's opportunity to assert any legally or constitutionally based right or privilege which would prevent or otherwise limit access to such recordings and materials;

"(6) the need to provide public access to those materials which have general historical significance, and which are not likely to be related to the need described in paragraph (1); and

"(7) the need to give to Richard M. Nixon, or his heirs, for his sole custody and use, tape recordings and other materials which are not likely to be related to the need described in paragraph (1) and are not otherwise of general historical significance.

"(b)(1) The regulations proposed by the Administrator in the report required by subsection (a) shall take effect upon the expiration of ninety legislative days after the submission of such report, unless such regulations are disapproved by a resolution adopted by either House of the Congress during such period.

"(2) The Administrator may not issue any regulation or make any change in a regulation if such regulation or change is disapproved by either House of the Congress under this subsection.

"(3) The provisions of this subsection shall apply to any change in the regulations proposed by the Administrator in the report required by subsection (a). Any proposed change shall take into account the factors described in paragraph (1) through paragraph (7) of subsection (a), and such proposed change shall be submitted by the Administrator in the same manner as the report required by subsection (a).

"(4) Paragraph (5) is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules (as far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5)(A) Any resolution introduced under paragraph (1) shall be referred to a committee by the Speaker of the House or by the President of the Senate, as the case may be.

"(B) If the committee to which any such resolution is referred has not reported any resolution relating to any regulation or change proposed by the Administrator under this section before the expiration of sixty calendar days after the submission of any such proposed regulation or change, it shall then be in order to move to discharge the committee from further consideration of such resolution.

"(C) Such motion may be made only by a person favoring the resolution, and such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(D) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed.

"(E) When the committee has reported, or has been discharged from further consideration of, a resolution introduced under paragraph (1), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(6) For purposes of this subsection, the term 'legislative days' does not include any calendar day on which both Houses of the Congress are not in session.

"(c) The provisions of this title shall not apply, on and after the date upon which regulations proposed by the Administrator take effect under subsection (b), to any tape recordings or other materials given to Richard M. Nixon, or his heirs, pursuant to subsection (a)(7).

"(d) The provisions of this title shall not in any way affect the rights, limitations or exemptions applicable under the Freedom of Information Act, 5 U.S.C. § 552 et seq.

"JUDICIAL REVIEW

"Sec. 105. (a) The United States District Court for the District of Columbia shall have exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title or of any regulation issued under the authority granted by this title, and any action or proceeding involving the question of title, ownership, custody, possession, or control of any tape recording or material referred to in section 101 or involving payment of any just compensation which may be due in connection therewith. Any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution, and such challenge shall have priority on the docket of such court over other cases.

"(b) If, under the procedures established by subsection (a), a judicial decision is rendered that a particular provision of this title, or a particular regulation issued under the authority granted by this title, is unconstitutional or otherwise invalid, such decision shall not affect in any way the validity or enforcement of any other provision of this title or any regulation issued under the authority granted by this title.

"(c) If a final decision of such court holds that any provision of this title has deprived an individual of private property without just compensation, then there shall be paid out of the general fund of the Treasury of the United States such amount or amounts as may be adjudged just by that Court.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 106. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3317 of this title.

§ 2108. Presidential archival depository.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2101, 2901, 3102, 3107, 3317 of this title.

Chapter 25.—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

AMENDMENTS

1974—Pub. L. 93–536, § 1(a), Dec. 22, 1974, 88 Stat. 1734, added "And Records" following "Publications" in chapter heading.

§ 2501. Creation; composition; appointment and tenure.

The National Historical Publications Commission[1] shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years; two members of the Society of American Archivists to be appointed, for terms of four years, by the Society of American Archivists; two members of the American Association for State and Local History to be appointed, for terms of four years, by the American Association for State and Local History; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

* * * * *

(As amended Pub. L. 92–546, § 1(a), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 93–536, § 1(b), Dec. 22, 1974, 88 Stat. 1735.)

AMENDMENTS

1974—Pub. L. 93–536 added the provision relating to the appointment and term of two members of the Society of American Archivists, and two members of the American Association for State and Local History.

1972—Pub. L. 92–546 provided for two additional members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one to be appointed for a term of two years and his successors for a term of four years.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3107 of this title.

§ 2503. Executive director; editorial and clerical staff; reimbursement of members for transportation expenses; honorarium.

The Commission may appoint, without reference to chapter 51 of Title 5, an executive director and such editorial and clerical staff as it determines to be necessary. Members of the Commission who represent a branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and members other than those who represent a branch or agency of the Government of the United States shall receive instead of subsistence en route to or from or at the place of service, for each day actually spent in connection with the performance of their duties as members of the Commission, a sum, not to exceed $40, as the Commission prescribes. (As amended Pub. L. 92–546, § 1(b), Oct. 25, 1972, 86 Stat. 1155.)

AMENDMENTS

1972—Pub. L. 92–546 increased daily allowance from $25 to $40.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3107 of this title.

§ 2504. Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material.

(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources, it considers appropriate for printing or otherwise recording at the public expense. It shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States. The Administrator of General Services may, within the limits of available appropriated and donated funds, make allocations to Federal agencies, and grants to State and local agencies and to nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. Before making allocations and grants, the Administrator should seek the advice and recommendations of the National Historical Publications Commission.[1] The Chairman of the Commission shall transmit to the Administrator from time to time, and at least annually, plans, estimates, and recommendations approved by the Commission.

(b) There is hereby authorized to be appropriated to the General Services Administration for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years an amount not to exceed $4,000,000 for each year for the purposes specified in subsection (a) of this section: *Provided*, That such appropriations shall be available until expended when so provided in appropriation Acts. (As amended Pub. L. 92–546, § 1(c), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 93–536, § 1(c), Dec. 22, 1974, 88 Stat. 1735.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–536 substituted "1975" for "1973", and "$4,000,000" for "$2,000,000".

1972—Pub. L. 92–546 designated existing provisions as subsec. (a) and added subsec. (b).

[1] Name of National Historical Publications Commission changed to National Historical Publications and Records Commission in chapter heading without a corresponding amendment to text.

[1] Name of National Historical Publications Commission changed to National Historical Publications and Records Commission in chapter heading without a corresponding amendment to text.

AUTHORIZATION OF APPROPRIATIONS

Section 503(f) of Act June 30, 1949, ch. 288, title V, as added July 28, 1964, Pub. L. 88–383, 78 Stat. 335, and amended Aug. 8, 1968, Pub. L. 90–461, 82 Stat. 638 which authorized appropriation to the General Services Administration for the fiscal year ending June 30, 1965, and each of the nine succeeding fiscal years amount not exceeding $500,000 each year for the purposes of this section, was repealed by Pub. L. 92–546, § 2, Oct. 25, 1972, 86 Stat. 1155.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2506, 2507, 3102, 3107 of this title.

§ 2505. Special advisory committees; membership; reimbursement.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 29.—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

§ 2902. Records management, surveys, and reports.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

Chapter 31.—RECORDS MANAGEMENT BY FEDERAL AGENCIES

§ 3103. Storage, processing, and servicing of records.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 552a.

Chapter 33.—DISPOSAL OF RECORDS

Sec.
3315. Definitions.
3316. Establishment of Commission.
3317. Duties of Commission.
3318. Membership.
3319. Director and staff; experts and consultants.
3320. Powers of Commission.
3321. Support services.
3322. Report.
3323. Termination.
3324. Authorization of appropriations.

AMENDMENTS

1974—Pub. L. 93–526, title II, § 203, Dec. 19, 1974, 88 Stat. 1702, added items 3315 to 3324.

§ 3315. Definitions.

For purposes of this section and section 3316 through section 3324 of this title—

(1) the term "Federal official" means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

(2) the term "Commission" means the National Study Commission on Records and Documents of Federal Officials; and

(3) the term "records and documents" shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

(Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1698.)

SHORT TITLE

Section 201 of Pub. L. 93–526 provided that: "This title [enacting this section and sections 3316 to 3324 of this title] may be cited as the 'Public Documents Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3317, 3319, 3320, 3324 of this title.

§ 3316. Establishment of Commission.

There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3317. Duties of Commission.

It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—

(1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;

(2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108 of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;

(3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;

(4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;

(5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;

(6) criteria which may be used generally in determining the scope of materials which should be

considered to be the records and documents of Members of the Congress;

(7) the privacy interests of individuals whose communications with Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such officials, task forces, commissions, and boards; and

(8) any other problems, questions, or issues which the Commission considers relevant to carrying out its duties under section 3315 through section 3324 of this title.

(Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3319, 3320, 3324 of this title.

§ 3318. Membership.

(a)(1) The Commission shall be composed of seventeen members as follows:

(A) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the majority leader of the House;

(B) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the minority leader of the House;

(C) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the majority leader of the Senate;

(D) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the minority leader of the Senate;

(E) one Justice of the Supreme Court, appointed by the Chief Justice of the United States;

(F) one person employed by the Executive Office of the President or the White House Office, appointed by the President;

(G) three appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience;

(H) one representative of the Department of State, appointed by the Secretary of State;

(I) one representative of the Department of Defense, appointed by the Secretary of Defense;

(J) one representative of the Department of Justice, appointed by the Attorney General;

(K) the Administrator of General Services (or his delegate);

(L) the Librarian of Congress;

(M) one member of the American Historical Association, appointed by the counsel of such Association;

(N) one member of the Society of American Archivists, appointed by such Society; and

(O) one member of the Organization of American Historians, appointed by such Organization.

(2) No more than two members appointed under paragraph (1)(G) may be of the same political party.

(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leave such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for no longer than the sixty-day period beginning on the date he leaves such office or becomes such an officer or employee, as the case may be.

(d) Members shall be appointed for the life of the Commission.

(e)(1) Members of the Commission shall serve without pay.

(2) While away from their homes or regular places of business in the peformance of services for the Commission, members of the Commission shall be allowed travel expenses in the same manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703(b) of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

(f) The Chairman of the Commission shall be designated by the President from among members appointed under subsection (a)(1)(G).

(g) The Commission shall meet at the call of the Chairman or a majority of its members. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3319. Director and staff; experts and consultants.

(a) The Commission shall appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316).

(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

(c)(1) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

(2) In procuring services under this subsection, the Commission shall seek to obtain the advice and assistance of constitutional scholars and members of the historical, archival, and journalistic professions.

(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under sections 3315 through 3324 of this title. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3320, 3324 of this title.

§ 3320. Powers of Commission.

(a) The Commission may, for the purpose of carrying out its duties under sections 3315 through 3324 of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem desirable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under section 3315 through section 3324 of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3324 of this title.

§ 3321. Support services.

(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3322. Report.

The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1976. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3323, 3324 of this title.

§ 3323. Termination.

The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3324. Authorization of appropriations.

There is authorized to be appropriated such sums as may be necessary to carry out section 3315 through section 3324 of this title. (Added Pub. L. 93–526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320 of this title.

Chapter 35.—COORDINATION OF FEDERAL REPORTING SERVICES

Sec.

[3512. Information for independent regulatory agencies][1]

§ 3501. Information for Federal agencies.

COMMISSION ON FEDERAL PAPERWORK

Pub. L. 93–556, §§ 1–9, Dec. 27, 1974, 88 Stat. 1789–1792, provided that:

"DECLARATION OF PURPOSE

"Section 1. (a) The Congress hereby finds that Federal information reporting requirements have placed an unprecedented paperwork burden upon private citizens, recipients of Federal assistance, businesses, governmental contractors, and State and local governments.

"(b) The Congress hereby affirms that it is the policy of the Federal Government to minimize the information reporting burden, consistent with its needs for information to set policy and operate its lawful programs.

"(c) The Congress hereby determines that a renewed effort is required to assure that this policy is fully implemented and that it is necessary to reexamine the policies and procedures of the Federal Government which have an impact on the paperwork burden for the purpose of ascertaining what changes are necessary and desirable in its information policies and practices.

"ESTABLISHMENT OF THE COMMISSION

"Sec. 2. To accomplish the purpose set forth in the first section of this Act, there is hereby established a Commission on Federal Paperwork (hereinafter referred to as the 'Commission').

"FUNCTIONS OF THE COMMISSION

"Sec. 3. (a) The Commission shall study and investigate statutes, policies, rules, regulations, procedures, and practices of the Federal Government relating to information gathering, processing, and dissemination, and the management and control of these information activities. The Commission shall consider—

"(1) the nature and extent of current Federal requirements for information from other public and private entities;

"(2) the effect of existing statutes on the information requirements of the Federal Government and authorities of existing Federal agencies to collect information;

"(3) the nature and extent of management and control over the determination of Federal information needs and the choice of information gathering, processing, and dissemination methods;

"(4) the nature and extent to which Federal agencies cooperate with State and local governments and private agencies in collecting, processing, and disseminating information;

"(5) the procedures used and the extent to which considerations of economy and efficiency impact upon Federal information activities, particularly as these matters relate to costs burdening the Federal Government and providers of information;

"(6) the ways in which policies and practices relating to the maintenance of confidentiality of information impact upon Federal information activities; and

"(7) such other matters as the Commission may decide affect Federal reporting requirements.

"(b) The Commission shall ascertain what changes are possible and desirable in existing statutes, policies, rules, regulations, procedures, and practices relating to Federal information activities in order to—

"(1) assure that necessary information is made available to Federal officials and those acting on behalf of Federal officials;

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[1] Item 3512 has been editorially inserted. Section 3512 was enacted by Pub. L. 93–153 without a concurrent insertion into the chapter analysis.

"(2) minimize the burden imposed by Federal reporting requirements on private citizens, recipients of Federal assistance, businesses, governmental contractors, and State and local governments;

"(3) guarantee appropriate standards of confidentiality for information held by private citizens or the Federal Government, and the release thereof;

"(4) provide that information held by the Federal Government is processed and disseminated to maximize its usefulness to all Federal agencies and the public;

"(5) reduce the duplication of information collected by the Federal Government and by State and local governments and other collectors of information; and

"(6) reduce the costs of Federal paperwork.

"(c) The Commission shall make a final report to the Congress and the President within two years of the date of the first meeting of the Commission. The final report shall contain a review of its findings and its recommendations for changes in statutes, policies, rules, regulations, procedures and practices. In the event Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may make such interim reports and recommendations as it deems advisable.

"(d) Upon submission of the Commission's final report, the Office of Management and Budget, in coordination with the executive agencies, shall take action to (1) formulate the views of the executive agencies on the recommendations of the Commission; (2) to the extent practicable within the limits of their authority and resources, carry out recommendations of the Commission in which they concur; and (3) propose legislation needed to carry out or to provide authority to carry out other recommendations of the Commission in which they concur. At least once every six months, the Office of Management and Budget shall report to the Congress and the President on the status of action taken or to be taken as provided herein. A final report shall be submitted within two years.

"MEMBERSHIP OF THE COMMISSION

"Sec. 4. (a) The Commission shall be composed of fourteen members, as follows:

"(1) two Members of the Senate (who shall not be members of the same political party) appointed by the President of the Senate;

"(2) two Members of the House of Representatives (who shall not be members of the same political party) appointed by the Speaker of the House of Representatives;

"(3) the Director of the Office of Management and Budget and one other official or employee of the executive branch of the Federal Government appointed by the President of the United States;

"(4) the Comptroller General of the United States;

"(5) two from among officials of State and local governments (who shall not be members of the same political party) appointed by the President of the United States; and

"(6) five from among persons in the private sector, including small business, labor, and other interested groups (no more than three of whom shall be of the same political party), appointed by the President of the United States.

"(b) The Commission shall select a Chairman and a Vice Chairman from among its members.

"(c) Seven members of the Commission shall constitute a quorum.

"(d) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"COMPENSATION OF MEMBERS OF THE COMMISSION

"Sec. 5. (a) Except as provided in subsection (b), members of the Commission shall each receive as compensation the daily equivalent of the annual rate of basic pay in effect for grade GS–18 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

"(b) Members of the Commission who are Members of Congress or who are full-time officers or employees of the United States shall receive no additional compensation for their service on the Commission.

"(c) While away from their homes or regular places of business in the performance of service for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

"POWERS OF THE COMMISSION

"Sec. 6. (a) The Commission, or at its direction, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence and administer such oaths, as the Commission or such subcommittee or member may deem advisable. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member.

"(b)(1) The Commission may require by subpenas the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as the Commission may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or Vice Chairman. The subpenas of the Commission shall be served in a manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(2) If a person issued a subpena under paragraph (1) is guilty of contumacy or refuses to obey such subpena, any district court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application made by the Attorney General of the United States, order such person to appear before the Commission or a subcommittee or member thereof, to produce evidence or to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by such court as a contempt thereof.

"(3) Notwithstanding paragraphs (1) and (2), a person shall be excused from testifying or from producing such books, records, correspondence, memoranda, papers or documents or other evidence in obedience to a subpena if such person states in writing to the court ordering his attendance and testimony that the required testimony or evidence may tend to incriminate him or subject him to a criminal penalty.

"(c) The Commission may appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for the maximum rate authorized by the General Schedule.

"(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

"COOPERATION WITH FEDERAL AGENCIES

"Sec. 7. (a) Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information not otherwise prohibited by law as the Commission deems necessary to carry out its functions under this Act.

"(b) The head of each department or agency of the Federal Government is authorized to provide to the Commission such services as the Commission requests on such

basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman of the Commission. All such requests shall be made by the Chairman or Vice Chairman of the Commission.

"TERMINATION OF THE COMMISSION

"Sec. 8. One hundred and twenty days after the submission of the final report provided for in section 3 of this Act, the Commission shall cease to exist.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act."

§ 3502. Definitions.

As used in this chapter—

"Federal agency" means an executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but does not include the General Accounting Office, independent Federal regulatory agencies, nor the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions;

* * * * *

(As amended Pub. L. 93–153, title IV, § 409(a), Nov. 16, 1973, 87 Stat. 593.)

CODIFICATION

The comma following "General Accounting Office" and preceding "independent Federal regulatory agencies" as part of the 1973 amendment of the definition of "Federal agency" by Pub. L. 93–153 has been editorially inserted as the probable intent of Congress.

AMENDMENTS

1973—Pub. L. 93–153 inserted "independent Federal regulatory agencies," following "General Accounting Office" in the definition of "Federal agency".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3510, 3512 of this title; title 15 section 766.

§ 3503. Duties of Director of the Bureau of the Budget.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085 Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3504. Designation of central collection agency.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3506. Determination of necessity for information; hearing.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3507. Cooperation of agencies in making information available.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3508. Unlawful disclosure of information; penalties; release of information to other agencies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3512 of this title.

§ 3509. Plans or forms for collecting information; submission to Director; approval.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3510. Rules and regulations.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 3512. Information for independent regulatory agencies.

(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

(1) avoiding duplication of effort by independent regulatory agencies, and

(2) minimizing the compliance burden on business enterprises and other persons.

(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter. (Added Pub. L. 93–153, title IV, § 409(b), Nov. 16, 1973, 87 Stat. 593.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15, section 766.

Chapter 37.—ADVERTISEMENTS BY GOVERNMENT AGENCIES

§ 3702. Advertisements not to be published without written authority.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 302; title 22 section 2126.